

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHELLE R. MATHIS,

Plaintiff,

v.

BARACK OBAMA, et al.,

Defendants.

CASE NO. C11-1031RAJ

ORDER

This matter comes before the court on a Report and Recommendation (“R&R,” Dkt. # 5) from the Honorable James P. Donohue, United States Magistrate Judge, and the objections (Dkt. # 6) of Plaintiff Michelle R. Mathis to the R&R. For the reasons stated below, the court ADOPTS the R&R, DENIES Ms. Mathis’s objections, DISMISSES this case, and directs the clerk to enter judgment.

Ms. Mathis has filed a complaint that is more than 440 largely single-spaced typewritten pages, not including more than 100 pages of exhibits attached to the complaint. The Federal Rules of Civil Procedure require a “short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). It is difficult to conceive of a complaint that better embodies the antithesis of the requirements of Rule 8. The complaint is easily the longest that this court has ever seen. By way of comparison, it is very unusual for a complaint in even the most complex case to exceed

1 50 pages. Despite its length, the complaint leaves the court with little idea what Ms.
2 Mathis is claiming. The complaint is riddled with lengthy recitations of law, but its
3 factual allegations are either nonsensical or inherently implausible. The court cannot find
4 even one plausibly stated claim among the more than 400 pages of the complaint.

5 Ms. Mathis has filed a motion for leave to proceed in forma pauperis. When a
6 plaintiff seeks in forma pauperis status, the court must scrutinize the action to ensure that
7 it states a claim on which the court can grant relief, that it states claims against parties
8 who are not immune from suit, and that the action is not frivolous or malicious. 28
9 U.S.C. § 1915(e)(2)(B)(i)-(iii); *see also Calhoun v. Stahl*, 254 F.3d 845 (9th Cir. 2001)
10 (holding that screening provisions of § 1915(e) apply to both prisoners and non-
11 prisoners).

12 Ms. Mathis's complaint runs afoul of each of the prohibitions of § 1915(e).
13 Among the more than 200 defendants she names in her suit, several are immune from
14 suits for damages. As noted, the complaint does not state a claim on which relief may be
15 granted. It also, as the court has noted, fails to comply with Rule 8, and no court will
16 grant relief on a complaint that is so lengthy. Finally, both the length of the complaint
17 and the fanciful nature of many of its allegations are hallmarks of a frivolous action.

18 The R&R reaches the same conclusions. The only serious consideration is
19 whether to permit Mr. Mathis to amend her complaint. The court concurs with the
20 R&R's recommendation that Ms. Mathis not receive leave to amend. In her objection to
21 the R&R, Ms. Mathis demonstrates no willingness to amend her complaint. The court is
22 convinced that were she given leave to amend, any amendment would not cure the
23 deficiencies the court has identified.

24 Finally, the court DENIES Ms. Mathis's request that the court recuse itself from
25 this case. The court finds no basis on which a reasonable person could question whether
26 the court has any bias that would affect its resolution of this case.

1 For the reasons stated above, the court ADOPTS the R&R (Dkt. # 5), DENIES
2 Ms. Mathis's objections (Dkt. # 6), dismisses this action with prejudice, and directs the
3 clerk to enter judgment.

4 DATED this 26th day of September, 2011.

5
6 
7

8 The Honorable Richard A. Jones
9 United States District Court Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28